IN THE

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA

APRIL TERM, 1947

No. 9269

GEORGIA M. SPRUILL, *Appellant,*

v.

DANIEL E. CAMPBELL, *Executor, Appelle.*

PETITION FOR RE-HEARING

To the Honorable Chief Justice of the United States Court of Appeals for the District of Columbia and Associate Justices:

The petitioner, Georgia M. Spruill, in proper person, in good ffaith believing the Court in error in its decision that all issues involved in this matter have been "fully decided" petitions the Court to review its work that it may see for itself the errors it has made and correct them.

That to make it easy for the Court to find and read its reports, here attached, are printed copy of each opinion reported and printed in App. D. C. and the Federal reports. The exhibits are: No. 5290A; Nos. 6142, 6153, 6154B; No. 6667C; No. 6810D; No. 6232E; No. 6258F.

If the Court will review its own work careful enough to see what it really has done it will find if it upholds the decree of the District Court of the United States for the

District of Columbia, in *Ballard* v. *Spruill,* 64 App. D. C. 60, 74 F. (2d) 464 as conclusive and its final action on all issues that have been presented to it in the appeals listed in its reported decision May 19, 1947, as that decree now stands of record herein that, this Court, will not only have repudiated its own rule which it made in the case of *Spruill* v. *Ballard,* 61 App. D. C. 112, 58 F (2d) 517 but the precedent, set by the Supreme Court of the United States in *Michond et al* v. *Girod et al,* 45 (4 How.) U. S., which has held paramount a hundred years, in effect, will be destroyed.

That the Court should guard the interest of the public against Court errors, is evidenced by that newspaper corporation in Washington, D. C., The Star, which on May 19, 1947, printed slander, under front page headlines: "Miss Spruill Loses New Appeal In Suit to Regain Property." In this newspaper, an opinion of this Court, was quoted and which same opinion your petitioner, by motion, protested the publication thereof. Half truth is the worst kind of slander. The suit against Temple Baptist Church was referred to in the paper in a fashion to make the printed statement slanderous. It looked as though the church corporation was going to be disolved, and that would have meant the church property would have been sold for the benefit of the original donors. Seeing the situation caused your petitioner to file suit; and by clouding the title, until no loan could be secured by the real estate to save the property for the church to worship in unmolested, and when it readjusted itself by a leader who is a good man and a good preacher, the congregation built up and money enough to secure its durability was forthcoming and in that way the old land mark was saved and the poor of the community served, by saving it. Your petitioner had just cause, when filing the other suits The Star referred to, and none of the suits filed by her were out of reason. To settle these cases

fairly would be far reaching in service of public interest: For to protect the unprotected would be fulfilment of the charge the Court must keep if the people in the country can ever hope for peace.

In summing up and adding together facts that appear to be the outstanding cause for this litigation covering a period of 17 years, the following is noted: The defendants pleaded justification, No. 5290 p. 15, in this Court in a lengthy printed brief filed in the Clerk's Office, herein. On losing in this Court, and on failing to petition the Supreme Court to reverse the rule of this Court, they found themselves in the trap which they had set for the plaintiff, when she began to remind them that the damages she had suffered because of what they had done amounted to $50,000.00. So apparent of of record these defendants began cautiously to move in Court in a manner to deceive the Judges and thereby get what they wanted. First is shown scribbled in longhand between the lines on the Lower Court "Decree on Mandate" of this Court, "April 20, 1932," the words, "and defendants have leave to answer within ten days." Page 6, Appeal No. 8163. Next we see that on "May 9, 1932," a lengthy answer to the plaintiff's amended bill she filed June 18, 1930, and no mention is made in it pertaining to the name of the person owning the notes. This compelled the plaintiff to file a motion demanding to know the name of the person owning those notes and on May 25, 1932, defendants Ballard and A. R. Serven filed their answer to that motion, No. 6142 pp. 14, 26. This placed the plaintiff right back where she started on May 20, 1930, with added work for her attorney, (who had been very faithful) in obtaining service upon the necessary additional defendants Buck, Esther H. Buck, Offitt and Campbell that are named in her Supplemental Bill of Complaint which she filed July 27, 1932. Seeing they had no plea of defense either in law or equity that they could make these defendants, six in all after July 27, 1932,

as is shown at pages 4 and 5 in Appeal No. 8164, sought to buy off the plaintiff's attorney through this offer of compromise made in writing the 19th day of June, 1933, which is the very same day, June 19, 1933, the Court below entered its "Decree Sustaining Motion to Advance Cause and Set Date for Trial"—Appeal No. 8163 p. 35. This compromise offer which was made to "O. H. Brinkman, Esquire" and this copy, shown here attached, as exhibit in Law No. 83076 which same copy was enclosed to the lawyer to be given to your petition, speaks for itself; in view of the fact, that, upon the docket of this Court, under date May 8, 1934, shown filed in Appeal No. 6154 is the "Motion to Strike" pages 110, 111 from your petioners record on appeal in the equity case. To that date and thereafter the $50,000.00 law case has been held up in Law No. 83076, Appeal No. 8164 pp. 21, 22, 40, 43, by the forged name of "Georgia M. Spruill" in the handwriting of the late attorney Snyder who admitted to the auditor that this handwriting was his. Up to filing of the "Supplemental Plea to Declaration (Law No. 83076)" petitioner had prevented the decree that is dated October 23, 1933, this Court affirmed October 1, 1934, in No. 6142 going into effect by taking an appeal from the so-called *"Final Decree."* Meanwhile (8164 pp. 31, 35) she sought to obtain "judgment by default" for the $50,000.00 through motion filed in the law case No. 83076 in the Court below. This motion was "denied" and the motion filed for rehearing thereof was "overruled" on June 3, 1935, and June 20, 1935, by "Letts, Justice" on ground which, quote: "Whereupon, this cause is ordered removed from the trial calendar pending the United States Court of Appeals decision in Equity Number 51,443." By this order it is shown the District Court of the United States for the District of Columbia has never acknowledged as legal, the decree this Court affirmed October 1, 1934, in equity No. 51,443. The fact still remains of record in this

Court and the Trial Court that the lawyer who won the points in equity for the plaintiff this Court reported March 28, 1932, in the *Spruill* v. *Ballard* appeal conducted the trial for plaintiff in the Equity Division of Court on June 27-28, 1933, in the same Equity No. 51443. This lawyer, seeing there was no points in equity to try, and before any evidence was taken by motion filed June 27, 1933, and submitted in open Court, demanded for plaintiff that a jury trial of the issue of damages be granted her. This motion was denied. Thereafter on June 28, 1933, her motion for a Master to be appointed by the Judge, submitted in open Court, was denied. This left nothing her lawyer could do but take orders from the Judge. The case went smoothly enough apparently from the Judge's standpoint until after the plaintiff received a copy of his finding of the facts and conclusion of the law, in the matter. See: Equity Minutes 149 page 212 of the District Court of the United States for the District of Columbia. Thereafter, when receiving a copy of the decree this Court, "affirmed," October 1, 1934, your petitioner has been seen in open Court, in proper person, conducting this litigation. Her first move was to stand up in open Court and demand O. H. Brinkman, her former attorney, to resign from the case, when and after he in open Court together with attorneys for defendants signed the original of the paper, a copy of which was made the "Decree" of the Court below, October 23, 1933, which copy, this Court affirmed, as is shown in its report—*Ballard et al* v. *Spruill,* Appeal No. 6142. After she had prevented the Judge signing the original paper and thereby making it the Decree of Court, she designated the paper itself—this proposed "Decree"—"Exhibit D," and on that September 13, 1933, she stayed the hand of the Court as aforesaid; this same paper as an exhibit became part of the Court record. See the several transcripts on appeal, No. 6154 p. 127; No. 6483 p. 103; No. 6841 pp. 193, 196;

No. 7186 p. 141; No. 7656 p. 84; No. 8163 p. 90; No. 8272 pp. 345, 348. The designating in every appeal (your petitioner in proper person) of this "Decree" D, exhibit to which the name Brinkman is signed as attorney of record for plaintiff and the Judge's name not attached thereto should convince this Court that to save her $50,000.00 law case she was compelled to dismiss Mr. Brinkman from the case. In view of the fact that after the case had closed through appeal in the Court below and before this Court had printed the transcript in Appeal No. 6142, *Ballard et al* v. *Spruill,* the names of this same O. H. Brinkman and that of Harriman Dorsey became attached to this record on appeal as attorney of record for the "plaintiff" shows conclusively that the statement in the "Star" newspaper is false which says an "offer of the lower Court and of this Court to appoint counsel to represent her" was made.

At pages 34 to and including 49 of the record herein, including also a copy of the plaintiff's "Brief" and "Reply Brief" in this her present appeal, No. 9269, which is attached as Exhibit 1, and Exhibit 2, show points and authorities in her argument by, which, she hopes to convince the Court that it is in error, and that the public conscience is shocked by the error.

That Exhibit 5 by and through this newspaper publication in which all suits filed by your petitioner in this litigation is listed by the "Star," directs the Court to the gang-like method that Wall Street and its satellite corporations employed by and through government personel when a citizen dare cross the kind of shark that was so disturbing to public safety, in 1930, Congress ordered an investigation of the real estate broker swindlers. That the charges made by the plaintiff in these cases the "Star" newspaper listed have never been answered by the law of the land should be taken notice of by the people.

The exhibits designated as Exhibit 3 and Exhibit 4 tell

the story from a certain book, the Bible, in which Psalm 35 was marked in 1930.

Time closes the door on all of us in time: Through death an accounting of property to the Court made the above-entitled case possible. Through death Vandoren, Offutt, Rhoades, Snyder, Quinn, who were among the lawyers filing an appearance in this Court to fight your petitioner with their professional knowledge of law have been removed from active service in the law business. Besides the two judges sued by her who of course were lawyers and the District Attorney, too a lawyer, three of the defendants in the *Spruill* v. *Ballard et al* case if dead were defendants and, if any of them are alive, are defendants now.

With all the detail expressed by this petition and the relevant matter accompanying it, surely the Court will be able to see the necessity for a rehearing and revising or correcting its opinion in a manner to remove the errors it has made.

Respectfully submitted,

GEORGIA M. SPRUILL,
Washington, D. C.
In Proper Person

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